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Mail Stop Amendment

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Examining Group. 1731
Attorney Docket No. P21745

In re application of : Andrew LILBURN

Application No. : 10/050,167

Group Art Unit : 1731

Filed : January 18, 2002

Examiner : S. Alvo

For : PROCESS ABD APPARATUS FOR MONITORING DEWATERING IN A WET SECTION OF
A PAPER MACHINE

Mail Stop Amendment

Commissioner for Patents
U.S. Patent and Trademark Office
220 20th Street S.
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

Transmitted herewith is a **Reply Brief Under 37 C.F.R. 1.193(b)(1)** (in triplicate) in the above-captioned application.

☐ Small Entity Status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a previously filed statement.

☐ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

☐ A Request for Extension of Time.

☒ A Request for Oral Hearing.

☐ No additional fee is required.

The fee has been calculated as shown below:

Claims After Amendment	No. Claims Previously Paid For	Present Extra	Small Entity		Other Than A Small Entity	
			Rate	Fee	Rate	Fee
Total Claims: 33	*49	0	x 9=	\$	x 18=	\$ 0.00
Indep. Claims: 1	**3	0	x 44=	\$	x 88=	\$ 0.00
Multiple Dependent Claims Presented			+150=	\$	+300=	\$ 0.00
Request for Oral Hearing Filing Fee				\$		\$300.00
Total:				\$	Total:	\$300.00

* If less than 20, write 20

** If less than 3, write 3

☐ Please charge my Deposit Account No. 19-0089 in the amount of \$_____.

☒ A check in the amount of \$300.00 to cover the filing fee is included.

☒ The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-0089.

☒ Any additional filing fees required under 37 C.F.R. 1.16.

☒ Any patent application processing fees under 37 C.F.R. 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 C.F.R. 1.136(a)(3)).

Neil F. Greenblum
Reg. No. 28,394

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P21745.A10

Customer No.: 7055

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Andrew LILBURN Confirmation No.: 7601
Appln. No. : 10/050,167 Group Art Unit: 1731
Filed : January 18, 2002 Examiner: S. Alvo
For : PROCESS AND APPARATUS FOR MONITORING DEWATERING
IN A WET SECTION OF A PAPER MACHINE

REPLY BRIEF UNDER 37 C.F.R. 1.193(b)(1)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply Brief is in response to the Examiner's Answer and Advisory Action dated August 11, 2004, the period for reply extending until October 12, 2004 (October 11, 2004 being a U.S. Federal holiday).

In the Advisory Action, the Examiner has entered Appellant's May 3, 2004 Amendment Under 37 C.F.R. 1.116, such that claims 34 – 39 have been canceled without prejudice or disclaimer. Moreover, in the Examiner's Answer, the Examiner has maintained the rejections of record.

Appellant notes that this Reply Brief is being filed under 37 C.F.R. 1.193(b)(1) and is directed to the arguments presented in the Examiner's Answer. With regard to this Reply Brief, Appellant notes that they are addressing points made in the Examiner's Answer and

not repeating the arguments set forth in the Appeal Brief.

POINTS OF ARGUMENT

In section 13 (Response to Argument), the Examiner has asserted that WO 00/08642 discloses “using the wet web conductivity coming into the press” using measured or calculated values from the previous nip. ” [emphasis added] (Examiner’s Answer Page 5, first full paragraph). While the Examiner asserts that WO 00/08642 can measure the conductivity of the wet web coming into the press, this is not the issue in claim 1. Nor is it relevant whether the press section is part of the wet end.

In this regard, Appellant again notes that independent claim 1 recites, inter alia, detecting conductivity of the wet web *entering* the wet end section, not the conductivity of the wet web in the wet end section, as apparently interpreted by the Examiner. In this regard, Appellant notes that the Examiner has shown disclosure in WO 00/08642 that teaches or suggests that it would have been obvious to one ordinarily skilled in the art to modify WO 00/08642 to measure the conductivity of the wet web entering the wet end section.

In fact, as Appellant has pointed out previously, WO 00/08642 discloses monitoring water balance in the press section by monitoring certain identified parameters of the press section. However, the Examiner has not shown any teaching or suggestion of detecting the conductivity of the wet web *entering the wet end section*. In fact, as WO 00/08642 expressly discloses that in its *Background Section* that *solids content of the wet web* and its *conductivity*

in front of the press are unknown, Appellant submits that WO 00/08642 teaches against detecting conductivity of the wet web entering the wet end section.

Appellant notes that the Examiner has provided arguments to define wet web in a more favorable manner to the disclosure of WO 00/08642. However, Appellant again notes that the issue is not the wet web, but the detection of the conductivity of the wet web *entering the wet end section*, which WO 00/08642 neither teaches nor suggests.

Further, the Examiner has argued that conductivity of the wet would not change as the web passes directly from nip to nip. However, Appellant notes that the Examiner has failed to provide any documentary evidence to support his assertion, particularly, when the disclosure of WO 00/08642, which calculates conductivity based in part upon a conductivity measured or calculated from a previous nip, appears contrary to the Examiner's arguments.

For the foregoing reasons, Appellant submits that WO 00/08642 fails to teach or suggest the combination of features recited in at least independent claim 1, and that the Examiner's decision to finally reject independent claim 1 is improper and should be reversed by the Board and remanded to the examining group for early allowance.

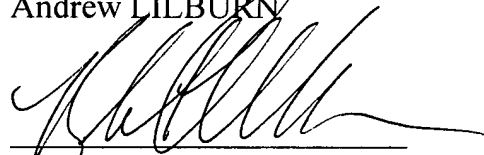
Further, Appellant notes that the separate patentability of claims 2, 3, 6, 18, and 31 was set forth in Appellant's Appeal Brief, and will not be re-presented in the instant Reply Brief.

CONCLUSION

For the reasons expressed above, Appellant respectfully requests that the grounds of rejection advanced by the Examiner be reversed. Appellants further request that the application be returned to the Examining Group for prompt allowance.

Although neither a fee nor an extension of time is believed to be due with this Reply Brief, if an extension of time is necessary, Appellants respectfully request an extension of time under 37 C.F.R. 1.136(a) for as many months as would be required to render this submission timely. Further, the Commissioner is hereby authorized to charge any additional fee due to Deposit Account No. 19-0089.

Respectfully submitted,
Andrew LILBURN



Neil F. Greenblum

Reg. No. 28,394

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October 12, 2004
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